Appl. No.: Amdt. Dated:

09/892.708 01/14/2005

Off. Act. Dated: 11/24/2004

## REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Rejection of Claim 1 under 35 U.S.C. §112, first paragraph.

Claim 1 was rejected as being a single step claim. This rejection is now moot in view of the amendment of Claim 1 as discussed below.

2. Rejection of Claims under 35 U.S.C. §102(e)/§103.

Claims 1-4, 6-7, 9-13, 15, 17-21, 23, 25 and 34-40 were rejected as being anticipated or, alternatively rendered obvious, by U.S. Patent No. 6,728,777 to Lee. This rejection is now moot in view of the amendments discussed below.

3. Allowed/Allowable Claims.

The Applicant notes with appreciation the allowance of Claims 26-33, as well as the indication that Claims 5, 8, 14, 16, 22, 24, 38 and 41 would be allowable if rewritten in independent form. In response, the Applicant has amended the claims as follows:

- Claim 1 has been amended to include all of the limitations of allowable (a) Claim 5 and any intervening claims. Claims 2, 3 and 5 have been canceled, and Claim 4 has been amended to depend from Claim 1. Accordingly, Claims 1, 4, and 6-9 are now allowable.
- Claim 10 has been amended to include all of the limitations of allowable (b) Claim 14 and any intervening claims. Claims 11, 12 and 14 have been canceled. Accordingly, Claims 10, 13, and 15-17 are now allowable.
- Claim 18 has been amended to include all of the limitations of allowable (c) Claim 22 and any intervening claims. Claims 19, 20 and 22 have been canceled, and Claim 21 has been amended to depend from Claim 18. Accordingly, Claims 18, 21, and 23-25 are now allowable.
- Claim 34 has been amended to include all of the limitations of allowable (d) Claim 38 and any intervening claims. Claims 35, 36 and 38 have been canceled, and Claim 37 has been amended to depend from Claim 34. Accordingly, Claims 34, 37,

Appl. No.: 09/892,708 Amdt. Dated: 01/14/2005 Off. Act. Dated: 11/24/2004

and 39-41 are now allowable.

- (e) Claim 42 is new and corresponds to allowable Claim 8 written in independent form. Claims 43-49 are new and correspond to Claims 2-8 and 9, respectively. Accordingly, Claims 42-49 are allowable.
- (f) Claim 50 is new and corresponds to allowable Claim 16 written in independent form. Claims 51-56 are new and correspond to Claims 11-15 and 17, respectively. Accordingly, Claims 50-56 are allowable.
- (g) Claim 57 is new and corresponds to allowable Claim 24 written in independent form. Claims 58-63 are new and correspond to Claims 19-23 and 25, respectively. Accordingly, Claims 57-63 are allowable.
- (h) Claim 64 is new and corresponds to allowable Claim 41 written in independent form. Claims 65-70 are new and correspond to Claims 35-40, respectively. Accordingly, Claims 65-70 are allowable.

## 4. Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date:

Respectfully submitted,

John P. O'Banion, Reg. No. 33,201

O'BANION & RITCHEY LLP 400 Capitol Mall, Suite 1550

Sacramento, CA 95814

(916) 498-1010



## **CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the foregoing:

## **AMENDMENT**

is being deposited with the United States Postal Service on <u>14 JANUARY 2005</u> in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number <u>EV352297667US</u> addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JOHN P. O'BANION

(Type or print name of person mailing paper)

(Signature of person mailing paper)